

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ALBERT VAN BILDERBEEK, and
HENDRIK VAN BILDERBEEK,
Plaintiffs

v.

CASE NO. 6:08-cv-1931-Orl-19 GJK

UNITED STATES DEPARTMENT OF
JUSTICE,
Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action brought under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Plaintiffs seek injunctive and other appropriate relief for the release of agency records requested by Plaintiff from the Drug Enforcement Administration ("DEA"), a component of Defendant United States Department of Justice. Plaintiffs are seeking the release of records relating to an investigation of Plaintiffs by the DEA.

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) as the DEA office that conducted the investigation, the records of which are being requested by Plaintiffs, is in Orlando and the requested records are, upon information and belief, situated in that office.

Parties

3. Plaintiff Albert Van Bilderbeek is a United States citizen and a resident of the Netherlands and is an officer of Llanos Oil Exploration Limited.

4. Plaintiff Hendrik Van Bilderbeek is a United States resident and a citizen of the Netherlands and is an officer of Llanos Oil Exploration Limited.

5. Defendant United States Department of Justice (“DOJ”) is a department of the executive branch of the United States Government. The DOJ is an “agency” within the meaning of 5 U.S.C. § 552(f). The DEA is a component within the DOJ. DOJ/DEA has possession of and control over the records, memoranda, reports, documents, publications, and similar papers and files sought by Plaintiffs in this action.

Statement of Facts

6. Starting in October 2002, the Bogota Office of the DEA began an investigation in conjunction the Departamento Administrativo de Seguridad/Special Investigations Unit against Llanos Oil Exploration Limited, of which Plaintiff Hendrik Van Bilderbeek is President and Plaintiff Albert Van Bilderbeek is Vice-President. The DEA also investigated both of the Plaintiffs. The investigation of the Plaintiffs was multi-faceted and involved DEA offices in numerous locations. As a result of the investigation, Plaintiff Hendrik Van Bilderbeek was wrongfully arrested by authorities in Colombia and Llanos Oil Exploration Limited had valuable oil mineral rights in Colombia wrongfully cancelled by the Colombian authorities. Llanos Oil Exploration Limited has begun a civil action in The Hague against the Colombian state company responsible for oil and gas management in Colombia, including obtaining on October 17,

2008, an order freezing over € 7,000,000,000 (seven billion euros) held by numerous worldwide banks and other international companies.

7. On August 21, 2008, counsel for Plaintiffs Albert Van Bilderbeek and Hendrik Van Bilderbeek sent the DEA a letter which was a FOIA request pursuant to 5 U.S.C. § 552 (the "Initial FOIA Request"), requesting all documents relating to the DEA investigation of Plaintiffs and Llanos Oil Exploration Limited in the possession of the DEA. The FOIA was amended on October 3, 2008, to add requests for additional records (the "Additional FOIA Request"). A copy of the August 21, 2008, and October 3, 2008, letters are attached hereto as Exhibit A, incorporated herein by this reference, and jointly referred to as the "Combined FOIA Request."

8. Following the mailing of the Initial FOIA Request to the DEA, Defendant has acknowledged receipt of the Initial FOIA Request and informed Plaintiffs that the request was given case number 08-1361 and assigned to "Specialist Agent Hilliard." Several telephone conversations have occurred between Plaintiffs' counsel and various employees of Defendant during which it has been represented that a response to the Combined FOIA Request would be forthcoming. However, Plaintiffs have never received a written response to the Combined FOIA Request, despite the requirements of the FOIA.

9. Despite the requirements of the FOIA, Defendant has never produced any of the requested records to Plaintiffs nor told Plaintiffs why the requested records were not being produced in response to the Combined FOIA Request.

Cause of Action

10. Plaintiffs repeat and reallege paragraphs 1-9 of this Complaint as if fully set forth herein.

11. Defendant's failure to respond timely to, and grant, Plaintiffs' Combined FOIA Request violates the FOIA, 5 U.S.C. § 552(a)(3).

12. Pursuant to the FOIA, 5 U.S.C. § 552(a), Plaintiffs have a right to obtain access to the federal agency records identified in the Combined FOIA Request.

13. Defendant has failed comply with the applicable time limits set forth in 5 U.S.C. § 552(a)(6).

14. Defendant's failure to comply with the applicable time limits set forth in 5 U.S.C. § 552(a)(6) means that, pursuant to 5 U.S.C. § 552(a)(6)(C), Plaintiffs are deemed to have exhausted all administrative remedies with respect to Defendant's wrongful withholding of the requested records.

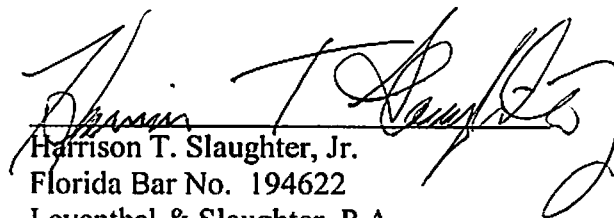
15. Plaintiffs are entitled to injunctive relief with respect to the release and disclosure of the requested records pursuant to 5 U.S.C. § 552(a)(4)(B).

WHEREFORE, Plaintiffs pray that this Court:

- A. Declare Defendant's actions of withholding access to the public records are not in accordance with the law;
- B. Order Defendant DOJ and its components, including without limitation the DEA, to disclose the requested records in their entireties and make copies available to Plaintiffs;
- C. Award Plaintiffs their attorney fees and litigation costs incurred in bringing this action pursuant to 5 U.S.C. § 552(a)(4)(E);

- D. Retain jurisdiction of this cause of action until Defendant has complied in full with any and all orders issued by the Court; and
- E. Grant such other and further relief as the Court may deem necessary and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harrison T. Slaughter, Jr.", is written over a horizontal line.

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